

**THORNDAL, ARMSTRONG, DELK,
BALKENBUSH & EISINGER**

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

HOLLY GERHARDT, individually,

Plaintiff,

vs.

PIER 1 IMPORTS (U.S.), INC.; DOE
MANAGERS(S) 1 through 3, DOE
EMPLOYEE(S) 1 through 20, and ROE
CORPORATIONS I through X, inclusive,

Defendants.

Case No.: 2:15-cv-2027

**STIPULATION TO DISMISS THIRD
CAUSE OF ACTION WITH PREJUDICE**

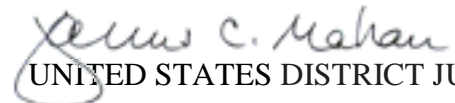
The amended complaint pleads three causes of action. Pier 1 Imports (U.S.), Inc. moved to dismiss the third cause of action entitled “negligence *per se*.”¹ Plaintiff does not oppose this motion.² Consequently, the parties stipulate to dismiss the third cause of action with prejudice. This stipulation does not bar Plaintiff from arguing negligence *per se* at trial, if supported by the evidence, to support a cause of action for negligence against Pier 1.

¹ Dkt 003.

² Dkt 009.

<p>Dated this 23rd day of December, 2015</p> <p>CLARK MCCOURT</p> <p><i>/s/ Lukas B. McCourt</i></p> <hr/> <p>Brian P. Clark, Esq. Nevada Bar No. 4236 Lukas B. McCourt, Esq. Nevada Bar No. 11839 7371 Prairie Falcon Rd., Suite 120 Las Vegas, NV 89128 Attorneys for Holly Gerhardt</p>	<p>Dated this 23rd day of December, 2015</p> <p>THORNDAL ARMSTRONG DELK BALKENBUSH & EISINGER</p> <p><i>/s/ Michael P. Lowry</i></p> <hr/> <p>Michael P. Lowry, Esq. Nevada Bar No. 10666 P.O. Drawer 2070 Las Vegas, NV 89125 Attorneys for Pier 1 Imports (U.S.), Inc.</p>
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IT IS SO ORDERED


UNITED STATES DISTRICT JUDGE

DATED: December 23, 2015

CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), on December 23, 2015, the **STIPULATION TO DISMISS THIRD CAUSE OF ACTION WITH PREJUDICE** was served upon each of the parties via electronic service through the United States District Court for the District of Nevada's ECF system.

/s/ Michael P. Lowry

An Employee of Thorndal, Armstrong, Delk,
Balkenbush & Eisinger